

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS KELLEY,

Plaintiff,

Case No. 1:07-cv-935

v

HON. JANET T. NEFF

ENID LIVINGSTON,

Defendant.

JUDGMENT

Pursuant to 42 U.S.C. § 1983, Plaintiff filed this prisoner civil rights action against defendant, a member of the Michigan Parole Board. On October 2, 2007, the Magistrate Judge filed a Report and Recommendation, recommending that the action be dismissed upon initial screening pursuant to 28 U.S.C. § 1915A(b) on grounds that the complaint failed to state a claim. The matter is presently before the Court on Plaintiff's objections to the Report and Recommendation.¹ In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. The Court denies the objections and issues this Judgment. *See* FED. R. CIV. P. 58.

Plaintiff disagrees with the Magistrate Judge's conclusion that Plaintiff failed to state a claim. According to Plaintiff, the fact that an inmate has no constitutional right to parole does not

¹ This matter was originally assigned to the Honorable Robert Holmes Bell but was subsequently transferred to the undersigned pursuant to Administrative Order No. 08-027, filed March 6, 2008.

preclude an inmate from challenging, under the due process clause, the procedures employed by the parole board. Plaintiff's argument is without merit. The Magistrate Judge properly concluded that without a protected liberty interest in the parole proceedings, there can be no federal procedural due process claim. *See Experimental Holdings, Inc. v. Farris*, 503 F.3d 514, 519 (6th Cir. 2007).

Plaintiff also states an "Objection to Magistrate's Claim #2: Absolute Immunity of Defendant for damages liability." However, Plaintiff does not explain the basis for his objection. Moreover, Plaintiff states that he would be willing to abandon his claim for monetary damages.

For these reasons and because Plaintiff is proceeding *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the objections (Dkt 10) are DENIED and the Report and Recommendation (Dkt 9) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (Dkt 1) is DISMISSED pursuant to 28 U.S.C. § 1915A(b) for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: October 10, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge